

**UNHCR** & International Protection  
*A Protection Induction Programme*



## Chapter 4: Access to Asylum, Registration and Quality Protection

### This Chapter

- stresses the importance of ensuring that asylum-seekers have **access to safety**;
- elaborates the principle of ***non-refoulement***;
- emphasises the importance of effective and individual **registration**;
- outlines some of the **standards** that ensure that persons of concern to UNHCR are properly protected.



## 4.1 Introduction

Women, men, girls and boys fleeing persecution often face great difficulty in gaining access to safety. They are often traumatised by the crisis that forced them to flee; safe areas may be across an international border, hundreds of miles away; they may be ill or injured; boys and girls may become separated from their parents and at risk of being exploited or physically abused.

Many people fleeing persecution do not have proper identification or travel documents, making it difficult for them to leave their home country and enter another country that can offer safety. Often, in trying to reach a safe country, they are forced to rely on smugglers or traffickers that may place them in even greater danger.



## 4.2 Access to safety and the principle of *non-refoulement*

Asylum-seekers should be admitted to a safe country even if they do not have proper documentation and/or have to enter the country illegally.

All countries must also respect the principle of *non-refoulement* which includes:

- Not returning asylum-seekers or refugees to a place where their life or liberty would be at risk;
- Not preventing asylum seekers or refugees — even if they are being smuggled or trafficked — from seeking safety in a country, as there is a chance of them being returned to a country where their life or liberty would be at risk;
- Not denying access to their territory to people fleeing persecution and who have arrived at their border (access to asylum).

The principle of *non-refoulement* is often referred to as the cornerstone of international protection. There are very few exceptions to this principle that are provided for by the *1951 Refugee Convention*.

The principle of *non-refoulement* as enshrined in the *1951 Refugee Convention* has acquired the status of customary international law. This means that, over time, this principle has become binding on all States, including those which have not yet become party to the *1951 Refugee Convention*. *Non-refoulement* obligations also exist under international and regional human rights instruments.



### 4.3 Individual registration

Once they access safety, uprooted people of all ages should be registered individually as soon as possible. **Individual registration of all women, men, girls and boys** is an important protection tool that ensures that:

- the situation of the asylum-seeker, refugee or the internally displaced is monitored;
- asylum-seekers and refugees are protected against *refoulement*;
- all uprooted people have equal access to assistance;
- family reunification is facilitated;
- persons who are at risk and/or who have specific needs are identified and supported; and
- refugees can access a durable solution in a timely manner.

Information on persons of concern to UNHCR should remain up-to-date and individual identity documents should be issued as soon as possible in order to protect persons effectively.

**Registration of refugees and asylum-seekers is the responsibility of the country of asylum.** UNHCR and its partners assist with registration upon the request of the government.



## 4.4 Providing quality protection

Refugees and other persons of concern should be able to live in an environment that promotes safety, dignity, and self-sufficiency when they are uprooted. UNHCR and other humanitarian agencies need to advocate for and work directly with persons of concern to ensure that each individual receives quality protection.

### 4.4.1 Legal safety

The laws should equally protect all uprooted women, men, girls and boys. They should not be discriminated against, for example, in being issued individual documentation or receiving the protection of the police and the legal system.

### 4.4.2 Physical safety

All persons have a right to life, liberty and security. They need to be protected, for instance, against sexual and other violence inside and outside the family, arbitrary detention, and *refoulement*.

### 4.4.3 Material safety

All persons of concern to UNHCR should have equal access to basic goods and services. They have a right to live in healthy and stable conditions. They also have a right to housing, potable water, education, medical assistance and a livelihood.



#### 4.4.4 Religious and cultural safety

Refugees and other persons of concern to UNHCR should have the freedom to practice their religion. Their cultural norms should be respected at all times as long as they are not considered harmful by international standards. Female genital mutilation, early or forced marriage, female infanticide, and denial of education to either boys or girls are some unacceptable practices.



#### 4.4.5 A timely and durable solution

Quality protection cannot be achieved without ensuring that all persons of concern to UNHCR have equal and timely access to a solution to their problem of displacement. This will be discussed in more detail in Chapter 7.






## Further Reading





*Electronic copies of these documents in English have been provided in the accompanying Protection Induction Programme CD-ROM. Click on the 'Library' button to access them.*






### Access and *Non-Refoulement*

-  *Asylum Processes (Fair and Efficient Asylum Procedures)*, Global Consultations on International Protection, Second Meeting, document EC/GC/01/12, 31 May 2001.
-  *Reception of Asylum-Seekers, Including Standards of Treatment, in the context of Individual Asylum Systems*, Global Consultations on International Protection, Second Meeting, document EC/GC/01/17, 4 September 2001.
-  *Summary Conclusions – The Principle of Non-Refoulement*, Global Consultations on International Protection, Cambridge Roundtable 9-10 July 2001.

### Registration

-  *Practical Aspects of Physical and Legal Protection with regard to Registration*, Global Consultations on International Protection, First Meeting, document EC/GC/01/6, 19 February 2001.
-  *UNHCR Handbook on Registration* – provisional release September 2003.

### Quality of Protection

-  *Protection of Refugees in mass influx situations: Overall protection framework*, Global Consultations on International Protection, Second Meeting, document EC/GC/01/4, 19 February 2001.
-  *Designing Protection Strategies and Measuring Progress: Checklist for UNHCR Staff*, UNHCR, July 2002.
-  *Emergency Handbook*, UNHCR, 2001.
-  *Practical Guide to the Systematic Use of Standards and Indicators in UNHCR Operations*, UNHCR, 2nd ed, February 2006.
-  *Operational Protection in Camps and Settlements*: A reference guide to good practices in the protection of refugees and others of concern to UNHCR, UNHCR 2006.